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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 **JORGE GARCIA,**

Petitioner,

15
16 v.

17 **ROBERT HOREL, Warden,**

18 Respondent.
19

C 07-06012 JSW

**DECLARATION OF STAN
HELFMAN IN SUPPORT OF
MOTION FOR EXTENSION
OF TIME TO FILE ANSWER**

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21 Stan Helfman states under penalty of perjury:

22 (1) I am a Supervising Deputy Attorney General for the state of California and I
23 represent respondent in this matter.

24 (2) According to the Order to Show Cause, Garcia was convicted by a jury of
25 premeditated attempted murder, assault with a firearm, and various firearms and gang enhancements,
26 and was sentenced to twenty-five years to life in state prison.

27 (3) The California Court of Appeal affirmed the judgment and denied a habeas corpus
28 petition. According to Garcia's federal petition, the California Supreme Court denied a petition for

1 review.

2 (4) On November 28, 2007, petitioner, who is represented by counsel, filed a petition for
3 writ of habeas corpus in this Court.

4 (5) The petition makes numerous claims of prosecutorial misconduct, ineffective
5 assistance of counsel, and cumulative error.

6 (6) On November 29, 2007, this court issued an Order to Show Cause directing
7 respondent to file an answer. On March 7, 2008, this court modified the Order to Show Cause to
8 require filing of an Answer by April 27, 2008. On April 17, 2008, this court extended our time to
9 June 26, 2008. On June 19, 2008, this court extended our time to August 25, 2008.

10 (7) Despite my best intentions, I have been unable to complete preparation of our
11 pleading. It was necessary for me to complete pleadings in *Jordan v. Yates*, C 07-4680 and *Magraff*
12 *v. Ayers*, CIV S 07-1121. I was unexpectedly required to complete a respondent's supplemental
13 brief in *People v. Rodriguez*, A114910, for deputy on vacation. At the same time, in my capacity
14 as a supervisor, it was necessary for me to review numerous lengthy draft pleadings prepared by
15 other deputies in this office. I must prepare pleadings in *People v. Phillips*, A118601, *Guillory v.*
16 *Hornbeck*, C 07-5090. I am working on *Phillips*.

17 For the foregoing reasons, we respectfully request an extension of time of 60 days, to and
18 including October 24, 2008, in which to answer the petition.

19 (8) This is our third request for extension of time.

20 (9) On August 14, 2008, I informed petitioner's counsel, Paul McCarthy, (510-836-0100)
21 of this request and he stated he has no objection.

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1 Dated: August 15, 2008

2 Respectfully submitted,

3 EDMUND G. BROWN JR.
Attorney General of the State of California

4 DANE R. GILLETTE
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5 GERALD A. ENGLER
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6 PEGGY S. RUFFRA
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8
9 /s/ Stan Helfman
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Supervising Deputy Attorney General
11 Attorneys for Respondent

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